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FISCAL IMPACT STATEMENT

LS 6251

BILL NUMBER: SB 71

NOTE PREPARED: Jan 26, 2004

BILL AMENDED: Jan 8, 2004

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Sen. Landske

FIRST SPONSOR:

BILL STATUS: As Passed Senate

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill makes several changes in election law concerning the following.

- (1) The definition of "chute."
- (2) Municipal election expenses.
- (3) The eligibility of individuals to serve as precinct election officers, members of absentee voter boards, absentee ballot counters, and couriers.
- (4) Training of precinct election officers.
- (5) The rights of watchers.
- (6) Voter registration.
- (7) The nomination of candidates.
- (8) Political party devices.
- (9) The withdrawal of candidates.
- (10) Holding municipal elections.
- (11) The location of precinct polls.
- (12) Persons permitted to be in the polls.
- (13) Jurisdiction of the Indiana State Recount Commission.
- (14) Criminal statutes relating to distribution of slates and electioneering.
- (15) School corporation referendum levies.

(The introduced version of this bill was prepared by the Census Data Advisory Committee.)

Effective Date: Upon passage; July 1, 2004.

Explanation of State Expenditures: (Revised) *Summary:* (13) Under the bill, the Indiana State Recount

Commission (ISRC) would be allowed to conduct contest proceedings for an election of either a federal office, state office, legislative office, or the governor and lieutenant governor. Under current law, the ISRC must conduct contest proceedings that result from a nomination of a candidate to federal, state, or legislative office in a primary election, however, the ISRC currently has authority in proceedings for a contest of an election for state office not including the governor and lieutenant governor.

Background Information: Current law allows an appropriation from the state General Fund to the state Recount Fund an amount sufficient for the ISRC's use in the payment of expenses. The ISRC is comprised of three members: the Secretary of State, and one designee from each major political party.

Under current law, petitioners to the ISRC must place a cash deposit for the payment of costs of the recount chargeable to the petitioner. The minimum cash deposit is \$100, with certain variations specified under law. All cash deposited by petitioners is placed in the state Recount Fund.

As of June 30, 2003, the state Recount Fund had a budgetary fund balance of \$47,607 and had \$1,300 in revenue deposited during FY 2003.

Explanation of State Revenues: (Revised) (14) The bill removes provisions that do not allow a person to print on a slate the name of another candidate without the other candidate's written consent. Violators of these provisions are currently subject to a Class A misdemeanor. Additionally, the bill adds that persons may not conduct electioneering within the area of a satellite voting office of the circuit court clerk. Violators of this provision would be subject to a Class A misdemeanor.

Penalty Provision: When court cases occur and fines are collected, the revenue is distributed to both the Common School Fund (from fines) and the state General Fund (from court fees.). The maximum fine for a Class A misdemeanor is \$5,000. However, any increase or reduction in revenue under the above provisions would likely be small.

Explanation of Local Expenditures: (Revised) (2) Under the bill, municipalities that make special arrangements for municipal elections with counties (IC 3-10-7-4) would affect the apportionment of election expenses not directly attributable to municipalities.

Under current law, when counties run municipal elections where the expenses of the election cannot be directly attributed to a single municipality, the expenses are divided one-fourth to the county and the remaining three-fourths to the towns in the county conducting a municipal election. Additionally, if there is more than one municipality to whom costs cannot be directly attributed, the remaining three-fourths of the costs are divided by a ratio equal to the number of votes cast in the municipalities. (Example: A county has 1,000 votes cast by two municipalities. Municipality 'A' had 400 votes cast, Municipality 'B' had 600 votes cast. Municipality 'A' would pay two-fifths of the municipal share or $[2/5 * \text{Election Cost Attributable to Municipalities}]$. Municipality 'B' would pay $[3/5 * \text{Election Cost Attributable to Municipalities}]$.)

Under the bill, the votes of a municipality with a special arrangement would not count in the formula ratio. The provision would increase the percentage share of the total cost to the remaining towns. However, removal of the cost of the special arrangement county could reduce the total expenditures attributable to the remaining towns.

(4) Under the bill, county election boards would be able to allow individuals to be precinct election officers that were appointed after the training and education session. These individuals would be required to complete emergency training. Some counties currently pay an additional amount of per diem to precinct election

officers that complete training. It is unknown if this provision would qualify an individual appointed, after training, to receive training per diem. If post-training appointees were not given a per diem for emergency training, the county could experience a minimal savings depending on the number of appointees that would receive emergency training. The fiscal impact to local expenditures would depend on the county. A small sample of counties found that some counties allow a per diem to attend training. The per diem allowed on average for training attendance was about \$5 to \$10.

(6) Under the bill, registration of uniformed services voters returning from active duty would be under the responsibility of the county voter registration office. Currently, such registrations are the responsibility of the circuit court clerk. In counties where the county voter registration office is separate from the circuit court clerk, there would be a shift in administrative responsibility to the county voter registration office. The fiscal impact to local expenditures under this provision should be minimal.

(7) Petitions for certain offices by minor party candidates would be allowed to be combined in one petition, as long as the offices serve the same political subdivision. There may be a small savings in administrative time by the officials that would look over the petitions if fewer separate petitions are filed as a result of this provision.

(10) Under the bill, if only one person has filed a declaration of intent to be a write-in candidate for a municipal office and would be unopposed in the municipal election, then the election may not be held for the office. Current law allows that an election for a municipal office may not be held if there is only one nominee for the office. As a result of the provision, there may be a savings on ballot expenditures if fewer elections for municipal offices were to occur under the provision. Any savings would be dependent on the number of elections for municipal offices where only a single write-in candidate runs for the office.

(11) Under current law, if a precinct contains fewer than 250 active voters, the county executive may locate the polls of the precinct with the polls of an adjoining precinct. Under the bill, any county election board would be allowed to adopt an order by unanimous vote of the entire board membership to locate a poll of any precinct with an adjoining precinct. Such an order would be effective until December 31 after the date the order was adopted. This provision could allow additional polls to combine and share a single precinct election board. There could be a savings to local expenditures as a result of this provision, which would be dependent on local action.

Background: Based on a small sample of Indiana counties, per diem for election board members ranged from \$65 to \$150 for inspectors and from \$40 to \$100 for judges, clerks, and sheriffs. One county reported a combined precinct inspector per diem of \$165.

A precinct has the following election officers.

Type of Officer	Number
Inspector	1
Judge	2
Poll Clerk	2
Sheriff	2
Asst. Poll Clerk	2 (Optional)

Explanation of Local Revenues: (14) *Penalty Provision:* When court actions under a Class A misdemeanor occur , local governments receive revenue from court fees. However, under the penalties provided in the bill any increase or reduction in revenue would likely be small.

State Agencies Affected: Indiana Election Commission, Indiana Election Division; Indiana State Recount Commission.

Local Agencies Affected: Circuit court clerk, county election board, county voter registration office.

Information Sources: Brad King, Co-Director, Indiana Election Division; Indiana Auditor of State, Revenue Trial Balance 6/30/2003; Robert Vane, Marion County Election Board, (317) 327-5117; Voter Registration, Marshall County Circuit Court Clerk's Office, (574) 935-8713; Warren County Clerk's Office, (765) 762-3510; Angela Owensby, Lake County Election Board, (219) 755-3443; Kosciusko County Clerk's Office, (574) 372-2332; Johnson County Clerk's Office, (317) 736-3708; Janice Sexton, Vigo County Clerk's Office (812) 462-3214; Orange County Clerk's Office, (812) 723-2649; Randolph County Clerk's Office, (765) 584-4214; Perry County Auditor, (812) 547-6427; Hendricks County Election Board (317) 745-9313; Boone County Clerk's Office, (765) 482-3510; Terri Probasco, Tippecanoe County Board of Elections and Registration (756) 423-9303..

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